

THE CONTROVERSIES OF DEACCESSION IN MUSEUMS:
THE PRE-COLUMBIAN COLLECTION AT THE UNIVERSITY OF TEXAS AT AUSTIN

Abigail Sharp
Department of Art and Art History, Special Honors Thesis
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Introduction

By studying past deaccession practices – or the process through which an object is removed from one collecting institution and ceded to another – I aim to explore why acts of deaccession are given the scrutiny they usually receive and provide discussion of the various perspectives through which a deaccession decision is both arrived at and perceived by the public. I am aware that further research can be done on deaccession in museums across the globe, but for this paper I will focus primarily on American museums in order to characterize the processes within this country's museums, and a university museum in particular. In the following chapters I will give an extensive background regarding the history of deaccession in museums and collections, explore deaccession cases in the United States, and linger on the Pre-Columbian Collection at the University of Texas at Austin. After discussing this history and background, I will analyze the approaches and implications demonstrated through smaller case studies in conjunction with the Pre-Columbian Collection, assessing the future of deaccession and its misconceptions.

Chapter 1

Deaccession and Museums

What is Deaccession?

Any institution that possesses the responsibility of preservation, collection documentation, and the like is aware of the potential possibility of the removal of some of the contents in its institution. This process is familiar to those with experience in museums, libraries, and archives, but deaccession seems to be a controversial idea to those outside these fields. In order to delve into the causes and effects of deaccession, it is pertinent to expound on the process itself. When objects or select collections are deaccessioned from a museum, many ethical, financial, and legal questions arise and in some cases go unanswered, resulting in a myriad of implications and public controversy. At the University of Texas at Austin exists an orphaned Pre-Columbian collection, deaccessioned from the Texas Memorial Museum and left in the hands of the Art and Art History Department, which led to a great deal of internal and external discourse. I will focus on this deaccession history after first addressing the background and history of deaccession in the United States.

The term “deaccession” hardly sounds as if it belongs in day-to-day vocabulary, but in many museums and institutions, it has become commonplace. Once an object or collection is given to a museum, it is *accessioned* into the permanent collection, and according to Martin Gammon, deaccession is the “formal removal of objects from their permanent collections.”¹ *Deaccession* was not a common term before 1940, and the first significant public use of the word was February 27th, 1972 in a *New York Times* article “Very Quiet and Very Dangerous,” an

¹ Gammon, Martin. *Deaccessioning and Its Discontents: A Critical History*. Cambridge, MA: The MIT Press, 2018. Pp xi.

account of the Hoving Affair at the Metropolitan Museum of Art in NYC, which will be explored in the section on Prominent Case Studies.² Because the word posed itself as foreign in the early stages of deaccession publicity, scholars began to break down the word itself in order to better understand precisely what was taking place at The Met and other institutions, whose stories were covered by the media.

The Latin translation reads “ ‘cede from to,’ as the root is decession: ‘ceding from.’” Therefore, deaccession means to “cede from to.” This sounds grammatically awkward but makes complete sense, once placed in a sentence.³

*An object that is **deaccessioned**.*

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*An object that is **ceded from** one place **to** another.*

Once an object or collection is deaccessioned from an institution, in this case a museum, said object is given a destination best suited for its current state. In the past, deaccessioned objects were once “withdrawn, “disposed” or “exchanged” when removed from their institution.⁴ Generally speaking, most cases are successful in designating an adequate home for the deaccessioned objects; but sometimes this is not the case, as was the case at the University of Texas at Austin, a topic that will be explored under the pre-Columbian collection case study.

When initially learning about the process, deaccession sounds like a daunting fate for an object, as if it lost its significance or value to an institution. This preconceived notion of deaccession as a controversial act, however, can be contradicted when a certain breadth of background on the topic is achieved. Museums deaccession objects and collections on a regular

² Gammon, *Deaccessioning*, 204.

³ Gammon, 201.

⁴ Gammon, 201.

basis, and for various reasons. Between 1622-2014, roughly 240 deaccessions in the US and UK are noted in Appendix I of *Deaccessioning and its Discontents*.⁵ Deaccession dates back to the 17th century in Europe, when purging old to make room for new was first documented.

Museums and Their Collections

The special function of the museum is to preserve and utilize objects of nature and works of art and industry; to guard the written records of human thought and activity; to discuss facts and theories as a learned society; to educate the individual, while all meet together on common ground in the custodianship of learning and extending the boundaries of existing knowledge.

- Professor William Stanley ⁶

The missions of museums are constantly changing, and with that so do their collections, as they are the ultimate product of multiple donations, bequests, and acquisitions.⁷ According to Miller, it is encouraged that missions should be constantly reviewed for relevance, content, and condition, as museums are ever-adapting institutions.⁸ According to the American Alliance of Museums, the museum's contribution to society is through "collecting, preserving, and interpreting" to initiate participation, and this idea is fundamental in managing museum collections in conjunction with the mission.⁹ Museums are "bound up with assertions about what is central or peripheral, valued or useless, known or to be discovered, essential to identity or marginal" inherently due to their role in society as repositories of important history and

⁵ Gammon, Appendix I.

⁶ Courtney, Julia Hollett., ed *The Legal Guide for Museum Professionals*. Lanham, MD: Rowman & Littlefield, 2015. Pp 1.

⁷ Gammon, 53.

⁸ Miller, Steven. *Deaccessioning Today: Theory and Practice*. Lanham, MD: Rowman & Littlefield, 2018. Pp 7.

⁹ Adams, Roxana, ed. *Codes of Ethics and Practice of Interest to Museums*. Washington, D.C.: American Association of Museums, Technical Information Service, 2000. Pp 11.

information.¹⁰ But, as some have noted, deaccession can lead to devaluing certain cultures' artifacts through their deaccession. Because of this fact, institutions are inherently given the power to decide what is valuable and what is not.

When an object is deaccessioned, a first reaction may be to question the object's value or importance due to the institution's sudden "lack of interest" in it. Museums, whether intentionally or not, create a hierarchy of objects through practices of display and collection/deaccession, and the act of deaccessioning a specific type of object or cultural collection can be seen as counterproductive and negligent in part by the museum and in part by the University or operational entity if the removal of that object/collection creates a vacuum of representation. This notion that an object loses value through deaccession is comprehensible at the surface. But, in fact, processes of deaccession can be justified in many cases if the works simply no longer fit the mission of the museum and its collection patterns.

Museum collections are made up of benefactions from collectors across the globe for the purpose of accessibility and education for the public. Because collections are constantly gaining new works of art, the percentage of works on display at any single moment necessarily decreases. The mass amount of objects in museum storage is also due in part to modern practices of display, including that "recent museum practice has been to greatly increase the spacing between works, and never 'sky' them one above the other," which is a primary cause for expansion and operations costs in all institutions.¹¹ A clear example of this shift is how The Salon exhibitions on display in France in the 17-19th centuries were stacked atop each other, from floor to ceiling, maximizing space. However, the 21st century exhibition separates works

¹⁰ Karp, Ivan, Christine Mullen Kreamer, and Steven D Lavine, eds. *Museums and Communities: The Politics of Public Culture*. Washington, DC: Smithsonian Institution Press, 1992. Pp 6-7.

¹¹ O'Hare, Michael. "Museums Can Change – Will They?" In *Is It Okay to Sell the Monet?*, edited by Julia Hollett Courtney, 17-32. Lanham, MD: Rowman & Littlefield, 2018. Pp 22.

across a great amount of wall space. As seen in the image at left, below, the Wadsworth Athenaeum Museum in Hartford CT possess salon-style display in the great hall. To the right, this exhibition format is juxtaposed with a temporary exhibition of Monet at the Metropolitan Museum of Art, NY.



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In other words, display practices, storage space, and deaccession decisions are often related. Placing object after object into storage often creates the need for expansion of the museum itself (or for the acquisition of state-of-the-art off-site storage space), along with costs of preservation and conservation associated with the increase of items in storage spaces. Museum funding for operations is an uphill battle, but deaccessioning works for operations profit is frowned upon by managing organizations in the field, as I discuss below.

The Process

Before exploring the codes that restrict a museum's motives for deaccessioning, it is vital to break down the process of deaccession. A museum is typically governed by a Board of

¹² Photos taken on a visit to the Wadsworth Athenaeum Museum and Metropolitan Museum of Art, March 2018.

Trustees, or similar committee composed of individuals not employed by the museum, which oversees museum operations. The Board has legal responsibility for what takes place within a museum when ethical and legal issues arise.¹³ When an object or collection is considered for removal, the process starts with the Board, or at the Committee Level. As cautioned in the Professional Practices in Art Museums document provided by the Association of Art Museum Directors, “disposal of works of art from a museum’s collection by sale, exchange, or otherwise, requires particularly rigorous examination and should be pursued with great caution.” As I will return to, this cautionary language was written with great purpose, given the common reactions to the deaccession process in case studies below.¹⁴

First, an assessment is done of the Collections Management Policy, as well as research of rightful ownership, including issues of provenience and provenance. This due diligence is paramount in a successful deaccession. Proper documentation throughout the process and the later transportation is consequential.¹⁵ Under-documentation is an inhibitor for deaccession and transfer of assets because in most cases, “clear provenance must be shown for an object to be deaccessioned and sold or transferred to another museum.”¹⁶

The Board of Trustees holds a great influence in museum operations, especially in review of the removal of objects. Trustee decisions may determine that *Object X* does not fit the context of the institution anymore, and “only then may it be alienated, but not simply abandoned or lopped off; there is a clear notion here of obligation on behalf of the host institution to the deaccessioned entity to help it achieve the dignity of a new relevant context and home

¹³ Adams, *Codes of Ethics*, 108. See also Malaro, *A Legal Primer on Managing Museum Collections* for examples of legal action taken against board members at museums.

¹⁴ Adams, 110. See “The Collection,” points 12 through 25 of “Professional Practices in Art Museums.”

¹⁵ Bialowski, Darlene A. “When Out of the Book Won’t Do.” In *Is It Okay to Sell the Monet?*, edited by Julia Hollett Courtney, 51-61. Lanham: Rowman & Littlefield, 2018. Pp 52.

¹⁶ Whittemore, Gilbert. “Found in Collections.” In *The Legal Guide for Museum Professionals*, edited by Julia Hollett Courtney, 3-12. Lanham, MD: Rowman & Littlefield, 2015. Pp 3.

appropriate to the object’s now distinct nature and constitution.”¹⁷ This connects back to the idea that museum missions and collections standards are constantly changing, and with that, their collections must be reviewed and edited as well to fit the new mission. It is the board’s job to assist in meeting the goals of the museum.

Deaccession Motives

Over time, we face the same concerns within our museums and related institutions: financial stress, space availability, public access, resource restrictions, and “contemporary relevance.”¹⁸ Common deaccession motivation includes, but is not limited to, “the desire to refine the collection by ‘trading up’; to accommodate a shift in the focus of the collection; to finance collections care upgrades; and the controversial one, to mitigate a financial crisis by cashing their assets.”¹⁹ Though many deaccession cases are not driven by purely financial goals, there are benefits to the removal of objects and collections. There is a correlation that cannot be ignored; the more works deaccessioned, the more space or acquisition funds there are.²⁰

Insolvency is a major problem faced by museums with small endowments, and “commodifying the art is often an early warning of an impending collapse.”²¹ Jennifer L. White states that “art museums present the paradox of being simultaneously very rich, because of the value of the assets they hold, and very poor, due to the illiquidity of those assets and high

¹⁷ Gammon, *Deaccessioning and its Discontents*, 208.

¹⁸ Whittemore, “Found in Collections,” 4.

¹⁹ Courtney, Julia Hollett, ed. *Is It Okay to Sell the Monet? The Age of Deaccessioning in Museums*. Lanham, MD: Rowman & Littlefield, 2018. Pp xii.

²⁰ It is important to note that not all deaccessions result in revenue as a dollar amount, while they all result in increased space and revenue due to less storage cost, and more utilization of existing resources. Controversy remains consistent across all cases, whether financially transactional or not.

²¹ Gammon, *Deaccessioning and its Discontents*, 251. “Commodifying the art” refers to placing a dollar amount on works of art for purposes other than exhibition loan insurance, in order to determine financial assets. This is frowned upon in the museum community, according to Gold in “Monetizing the Collection”, due to the understanding that works of art should be held separate of its financial holdings to maintain its relevance outside its monetary value.

operation costs.”²² No matter what is said in the white papers and the media, in many cases, “the deaccession decisions were almost always implicated in larger institutional and structural prerogatives,” due to the aforementioned causes.²³ Frequently, museums face the need to use deaccession profit to avoid insolvency, space availability, or expansion, but are under rigid scrutiny not to do so, as the section on Ethics and Legality will explain.

Professional Organizations, Ethics, and Legality

Deaccession is just as much an operational and collection-based issue as it is ethically and legally implicated. Objects or collections can be deaccessioned without any legal action taken, unless there is a harmed party involved, or a contract is broken. Most of the time, these cases are not taken to the Attorney General, and are investigated by the Board and the museum faculty. There is a myriad of cultural organizations in the United States that oversees a Code of Ethics employed among members of said organization, including how the museum Director should or should not act in regard to various operational issues.²⁴

There are a number of organizations who have taken the liberty to implement their own Code of Ethics and take it upon themselves to regulate and hold museums accountable for various issues. The American Alliance of Museums and Association of Art Museum Directors are just a couple of the main players in the game of ethical and legal implications in the museum setting. The Attorney General is only called in when standards of care are under question, due to speculation by the AG that the museum’s obligations to the public are being violated.²⁵ It is

²² Courtney, *Is It Okay*, xv.

²³ Gammon, 29.

²⁴ Adams, *Codes of Ethics*, 117. See Appendix A; “The members of the Association of Art Museum Directors, [...] especially in the area of museum acquisitions, declare that it is unprofessional for museum Directors: to dispose of accessioned works of art in order to provide funds for purposes other than acquisitions of works of art for the collection (in accordance with Paragraph 24)”.

²⁵ Malara, Marie C. *A Legal Primer on Managing Museum Collections*. Washington, D.C.:

important to note that “ultimately, the burden rests with the museum’s Board of Trustees to see that such proceeds are used properly. Mismanagement can expose the trustees and the director to personal liability.”²⁶

Professional organizations’ rules and sanctions are rigid and heavily implemented across the country, but there is nothing outlined in the codes that states that particular acts of deaccession are necessarily “illegal.” It is the role of these governing organizations to mitigate deaccession concerns, but not charge a museum with any legal action. The 1991 Code of Ethics of the American Alliance of Museums was altered to include that the proceeds of a sale of an asset must go to the fund for “direct care of collections” and “for advancement of the museum’s mission,” connecting back to the relationship between the museum’s mission and their right to deaccession for profit.²⁷ Deaccession profits are placed in an endowment at the institution, clearly outlined for collections care and mission implementation *only*; it does not mention use for operational costs. The AAM’s Code of Ethics, however, has always stated that its rules and regulations are to firmly support the mission of their member museums, regardless of the issue at hand.²⁸ As for the AAMD, there are parallel guidelines stated in their own codes of ethics and conduct, and a primary concern shared by many of these professional organizations is that museums should have a governing body-written policy outlining the deaccession process to avoid miscommunication internally and externally.²⁹

Smithsonian Institution Press, 1985. Pp 14. For more information on the role of the Attorney General and his/her involvement in museum cases, see page 20.

²⁶ Malaro, 151.

²⁷ Yerkovich, Sally. “Use of Funds from the Sale of Deaccessioned Objects.” In *Is It Okay to Sell the Monet?*, edited by Julia Hollett Courtney, 77-82. Lanham, MD: Rowman & Littlefield, 2018. Pp 79.

²⁸ Adams, *Codes of Ethics*, 12. The AAM website possesses various codes and standards documents with information pertinent to museum accreditation, including a “Deaccessioning Activity Guide” and the current Code of Ethics and Collections Management Policy.

²⁹ Adams, *Codes of Ethics*, 118-120. See sections entitled “Purpose of Deaccessioning and Disposal”, “Criteria for Deaccessioning and Disposal”, “Authority and Process”, and “Selection of Methods of Disposal.”

Often, when a museum is suspected of using their endowment to fund operational plans, these organizations along with the media are quick to accuse the museum of unethical practice, insinuating that legal action must be taken. However, as mentioned earlier, there is no legal jurisdiction held by aforementioned organizations, therefore legal action cannot be enforced by them. Attorneys General in each state may get involved, however, if the deaccession poses a lawful conflict, arguing to the mission of the museum as the basis of case.³⁰ An example of deaccession leading to legal action is the Berkshire Museum, where the Massachusetts Attorney General investigated the sale of Berkshire works. Multiple injunctions were filed, with a back-and-forth between the museum board and legal entities to investigate whether or not the deaccession was legal. The final verdict was to allow the museum to sell up to \$55 million to fund the “New Vision” project, as they had no desire to expand their collection – it is not in their mission statement.³¹

Having outlined the main issues at stake in this thesis, I now turn to a study of deaccession cases in the United States. These cases studies will allow me to think more deeply about common controversy seen in deaccession decisions, and the misconceptions that arise. By looking at other cases, I will be provided with a basis of comparison for the pre-Columbian collection at the University of Texas.

³⁰ Gold, Mark S., and Stefanie S. Jandl. “Keeping Deaccessioned Objects in the Public Domain.” In *Is It Okay to Sell the Monet?*, edited by Julia Hollett Courtney, 35-49. Lanham, MD: Rowman & Littlefield, 2018. Pp 38-39.

³¹ A complete description written by the museum can be found on their website under the “New Vision” tab, along with a timeline of progress, and summary of legal action. URL: <https://berkshireremuseum.org/newvision/>

Chapter 2

Prominent Case Studies and Controversies

In this chapter, I will focus on a number of cases where deaccession was the catalyst for controversy among well-known American museums. As I stated in the first chapter, the first documented deaccession took place overseas in the United Kingdom in 1622 and it is without doubt that deaccession is commonly practiced across the world to this day. However, for the purposes of this research, the following case studies will cover only American museums in order to synthesize the implications of deaccession in the United States and, as well, to provide context for discussing the Pre-Columbian Collection at the University of Texas at Austin, which is covered in the following chapter. Most museums are members of professional organizations, and university/college museums are just one component of a multi-faceted field. To strengthen this research, it would be beneficial to dive deep into university/college museums and their deaccessions specifically, but I only explore one college museum in this paper to represent the university museum sector. I will first examine the background and issues related to each case, then analyze approaches after discussing the Pre-Columbian Collection.

*The Hoving Affair: The Metropolitan Museum of Art, NYC, 1971-73*³²

Because “deaccession” itself was not a common term until the late 20th century, deaccession cases were not often documented or explored as a pattern of controversy within the museum world. Many significant deaccession cases took place in well-known American museums, such as the Metropolitan Museum of Art in New York City. This was one of the first

³² Gammon, *Deaccessioning and its Discontents*, 132, 209.

prominent deaccession to gain public attention, especially with the term “deaccession” attached.



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In 1970, the Met acquired Diego Velázquez’s *Juan de Pareja*, 1650, inserting a large dent in the acquisition budget for that year.³⁴ As explored in the last chapter, the museum endowment fund is particularly for the care of collections and advancement of the museum mission. In this case, the Met had followed these guidelines, and not misused its endowment (generated in part through deaccession profit funds) in the purchase of the new works according to professional organization standards. However, the museum had also deaccessioned various objects, putting them up for sale from 1971-73 and claimed that its concerns were with duplication, storage issues, and collection philosophy; according to Gammon, it was clear to the public that the sale of these several works was retrospective financial decision to replenish the acquisition budget.

The timing of the incident raised concern by the public, with the assumption that the

³³ From the Metropolitan Museum of Art’s online collection database. URL: <https://www.metmuseum.org/art/collection/search/437869>

³⁴ Gammon, 210.

museum hand-picked objects to let go in order to back-fill the fund and make funds available to pay for the new works. John Canaday of the *New York Times* was alerted by art historian John Rewald and Eugene V. Thaw³⁵ of the works under review for deaccession.³⁶ The Met's response included a white paper with sale details – clearly written in haste to deflect public criticism and outrage.

Letters were sent to the Met after Canaday's article and the Met's white paper. The claims for deaccessioning the objects in the sale included but were not limited to: poor condition, lacks exhibitory value, lacks aesthetic value, compromised by poor restoration, relative inferiority, and attribution/authorship questions. These justifications infuriated the public further as “these ad artificium arguments are rooted in value statements and cannot be qualified as subject to dispute by facts.”³⁷

Despite the public backlash, the Metropolitan Museum of Art stood by its claims. Many believe that it was unethical for the Met to feed the public claims of damage or loss of value in the artwork itself as justification for the sales, and that the Met could have avoided the discourse between the media and the public by giving transparency throughout the deaccession and sale process.³⁸ This response to deaccession becomes a pattern seen in other cases; less transparency leads to a greater backlash in the public eye.

³⁵ Director at the time, Art Dealers Association of America.

³⁶ Gammon, *Deaccessioning and its Discontents*, 209.

³⁷ Gammon, *Deaccessioning and its Discontents*, 221.

³⁸ According to Gammon, the Met used an *argumentum ad artificium*, which is an argument made “against the artwork which proposes that the character of the artwork itself is so impaired or deficient in some fashion as to impel the administrators to deaccession it. This rhetorical gambit of blaming the object allows the administration to portray the cause of the deaccession action as resting immanently in the deficiencies of the artwork itself, rather than in the (often concealed) background deliberative ambitions of the administrators themselves,” which can be interpreted by the public as unethical. Pp 216.

The Thomas Jefferson Bryan Collection at the New York Historical Society, 1995

This case addresses the common issue of museum survival due to operational costs. The New York Historical Society was experiencing financial instability during the 1970-90s. In an attempt to stay afloat, a series of item sales took place through Sotheby's. Although it is common for deaccession to take place within museums to assist in general financial matters, this becomes muddied water, due to the "assumption that museums only expand and never contract."³⁹ Since the rise in public awareness of deaccession in the late 20th century, it has systematically been negatively perceived by the public, leading to this living misconception.

Thomas Jefferson Bryan traveled across the world throughout his life, collecting works of art, from Italian primitives to French and Dutch old masters paintings, until coming home to the United States. Once back in America, Bryan acquired several American works from the Peale Museum's liquidation auction in 1854, and as his collection grew, he created a private museum called the Brian Gallery of Christian Art in New York. His own gallery was struggling to maintain operations and care for its works, ultimately giving the collection to the New York Historical Society; The Bryan Collection consisted of 381 works of art by the time it was bequeathed to the NYHS in 1870 when he passed. Ironically, the collection was ignored until "some one hundred years later, the New York Historical Society staggered with potential insolvency," looking to the Bryan Collection for financial consolation.⁴⁰

The New York Historical Society's final deaccession sale of the Bryan Collection in 1995 was ultimately used for operations funding, contradicting the initial purpose of the collections endowment, which was planned to be used to acquire more American works – most

³⁹ Miller, *Deaccessioning Today*, 7.

⁴⁰ Gammon, 257. For the full account of the Bryan Collection decision in *Deaccession and its Discontents*, see Chapter 8, Pp 253-273.

museum endowments are restricted to acquire more works, rather than to fix the operational budget.⁴¹ In spite of the Bryan Collection's sale, most of the works resurfaced in a number of museums, galleries, and publicly accessible collections years later. – were the works truly “lost” from the public trust, as seen by the New York public, or was this, contrary to popular opinion of the time, a strong decision by the NYHS in order to survive? As I stated before, without an understanding of the financial inner workings of a museum and the difficult decisions it may face in order to stay alive, one cannot assume that a deaccession decision's motives were misguided without a full understanding of the context and background of the decision-making process.

Regarding the more general matter of public assumption about deaccession, this calls to mind the conclusion of various scholars such as Miller in his book *Deaccessioning Today*, whose research surrounds museum deaccession. He comes to the agreement that “all museums need to have a deaccession policy,” written formally with a step-by-step description of the process, with approval of the board, and should be codified.⁴² This document, like the mission statement of a museum, should be considered a living document that is subject to revision and updated regularly to reflect its priorities. Museums without a clear deaccession policy raise the risk of controversy and misunderstandings within the museum and with the public.

Transfer of the Brooklyn Museum Costume Collection to the Costume Institute at the Metropolitan Museum of Art, 2009

The case of the Brooklyn Museum Costume Collection is of great importance to this paper, as it displays a well-handled deaccession decision, according to Gold in “Keeping Deaccessioned Objects in the Public Domain”. The Brooklyn Museum once housed part of the

⁴¹ Gammon, 264.

⁴² Miller, *Deaccessioning Today*, 43.

renowned costume collection that is now housed at the Costume Institute at the Metropolitan Museum of Art, known for its appearances alongside the Met Gala every spring, graced by celebrities and fashion designers from all over the world. The acquisition of the Brooklyn Museum Costume Collection by the Met came to be through a lengthy, trying deaccession process.

After the turn of the century, the Brooklyn Museum came to the unfortunate realization that it could not house the costume collection any longer, due to financial strain. Because the trustees hoped to keep the collection in New York City as a permanent history of fashion and art in the nation's fashion capital, the transfer to the Met was the most practical solution. The transfer is accounted in a *New York Times* article from December 2008, giving brief background on the process and commentary by several Brooklyn Museum and Met staff:

Formed in 1903, the Brooklyn trove includes some 23,500 objects, including a definitive collection of costumes and patterns by the British-born designer Charles James, a major force in New York fashion in the 1940s and '50s, and one of the most comprehensive collections of American fashions dating from the mid-19th to the mid-20th century. (The museum also has Asian, African and Native American costumes, but these will stay in Brooklyn, Mr. Lehman said.)⁴³



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⁴³ Vogel, "Brooklyn Museum's Costume Treasures Going to the Met".

⁴⁴ From *New York Times* article "Brooklyn Museum's Costume Treasures Going to the Met". These are "hats from the Brooklyn Museum's collection include, from left, a 1920 example in black plush with ostrich trim, an 1805 velvet bonnet and Balenciaga's 1948 patent-leather "padre" design."

The extensive battle to keep the collection ended after many debates between the Board of Trustees resulted in the receipt of a Mellon Grant to cover expenses of transfer to the Costume Institute at the Met.⁴⁵ This contract, which resulted in joint ownership, began with proper documentation of the entire collection, along with documentation of the process itself. The Brooklyn Museum holds rights to use of the collection for their own exhibition, and the two museums collaborate often. Before the arrival of the Brooklyn collection, the Met costume collection consisted of “masterworks of haute couture, particularly European fashions with signature pieces from the mid-20th century forward,” and reinforced by the incoming 2009 Director of the Met, Thomas P. Campbell, the collections were “made for each other.”⁴⁶

This case study does not carry much controversy, as it was a well-handled example of follow through on the host institution’s obligations and transparency to the public. As stated in the first chapter, “deaccession” is the *ceding from* one place *to* another; the Brooklyn Museum outlined a transparent plan from the start, giving great consideration to the future of the collection. This transparency may be standard, but is not always a given.

The Berkshire Museum, 2008 and the Delaware Art Museum, 2014

The case of the Berkshire Museum is a wonderful example of the ethical conundrum faced by museums when the mission and use of endowment funds contradict.⁴⁷ The Berkshire’s operating budget was only \$2 million, which is barely enough on which to survive. In the interest of raising more capital to counter the declining financial viability of the institution, the Berkshire

⁴⁵ Gold, “Keeping Deaccessioned Objects in the Public Domain,” 141.

⁴⁶ Vogel, “Brooklyn Museum’s Costume Treasures Going to the Met”.

⁴⁷ Extensive details of the deaccession process and case of a second controversy in 2017 can be read in Courtney, Julia H. “Taking the Barbershop out of the Berkshires.” In *Is It Okay to Sell the Monet?* edited by Julia Hollett Courtney, 207-218. Lanham, MD: Rowman & Littlefield, 2018.

decided to deaccession and sell artworks.⁴⁸ The deaccession included *Shuffleton's Barbershop* by Norman Rockwell, which was ultimately sent to the Norman Rockwell Museum, after removing the painting from the auction and selling it for a lower price, and “twelve other works were sold, including two acquired by nonprofits where they will be on public display” as well.⁴⁹ This sale led to a net of \$7 million in proceeds, placed in the museum’s collections endowment. Again, the endowment is set aside for the direct care of collections and advancement of the museum’s mission.



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Proceeds from the sale were locked away in the collections endowment, which proved problematic because the museum held no desire to expand their collection – the museum’s needs lied in staff salaries, educational programs, etc. The Berkshire’s mission stated that its goal was “to bring people together for experiences that spark creative and innovative thinking by making inspiring education connections among art history and natural science,” which mentions nothing specific about collections.⁵¹ According to Mark Gold in “Monetizing the Collection”, “the

⁴⁸ Gold, Mark S. “Monetizing the Collection.” In *Is It Okay to Sell the Monet?* edited by Julia Hollett Courtney, 91-96. Lanham, MD: Rowman & Littlefield, 2018. Pp. 94.

⁴⁹ “The Road Ahead.” *Berkshire Museum*, 7 May 2019, <https://berkshireremuseum.org/newvision/the-road-ahead/>

⁵⁰ Norman Rockwell, *Shuffleton's Barbershop*, 1950. From the Norman Rockwell Museum website. URL: <https://www.nrm.org/2013/05/from-canvas-to-screen-norman-rockwells-shuffletons-barbershop/>

⁵¹ Gold, “Monetizing the Collection,” 95.

proposal sparked much controversy and discussion in the museum world and in the museum's immediate community.”⁵²

Due to their lack of interest in expansion, the Berkshire chose to use the funds to maintain financial stability of the museum, as they were not acting against the law in the first place. The controversy arose from the misconception that deaccession is poor collections practice and professional organizations' codes of ethics do not articulate direct care clearly enough to set a precedent in situations where the life of the museum hangs in the balance. The Berkshire, despite the outrage of the community, sold the works in order to continue operations.

Alongside the case of the Berkshire, Gold supports his overall points about the battle of survival of a museum by inserting the state of the Delaware Art Museum in the same context. Of the Delaware Art Museum's collection of 12,500 objects, in 2014 the museum announced the deaccession of four major works in order to pay off their \$19.8 million debt, or else the museum would close its doors.⁵³ In this case, the risk of closing the museum poses the issue of deaccession or disappear, like the Berkshire. In an interview, the CEO of the Delaware Art Museum, Mike Miller concisely states:

After detailed analysis, heavy scrutiny and the exhaustion of every reasonable alternative to relieve our bond debt, the Trustees had two agonizing choices in front of them—to either sell works of art, or to close our doors. While today's decision is certainly hard to bear, the closure of this 100-year-old museum would be, by comparison, unbearable.⁵⁴

The decision of the Delaware Art Museum was a clear matter, and is seen from the professional museum community as a stride for deaccession, as Gold states that “in being so transparent about their decision and in articulating their rationale so clearly, the trustees of the Delaware Art

⁵² Gold, 95.

⁵³ Ibid.

⁵⁴ Gold, 96.

Museum have contributed significantly to highlighting how this can and should operate in the world,” signifying once again that transparency and open lines of communication will fight against controversy in any deaccession case.

Wheaton College, Sotheby’s Sale, 1978

In 1966, Wheaton College received a bequest from Adra Marshall Newell’s estate.⁵⁵ The collection became a staple of the College’s collection, but caused headaches across departments, as they attempted to decipher between the estate of Adra and the estates of her parents, Adra and Edward Newell. After receiving Adra’s estate, attempts were made to sift through the collection and determine if objects could be sold in order to supplement the collection endowment. In “Building a Legacy for the Liberal Arts”, Niederstadt states that “various administrators and faculty argued that the bulk of the bequest should be sold and the proceeds used to cover general expenses” and “once the decision had been made to deaccession objects, the debate continued.”⁵⁶

To this day⁵⁷, the college is still working through the vast collection. Despite the current ongoing efforts, in December of 1978, the college made the decision to deaccession several hundred objects and put them up for auction at Sotheby’s, still retaining a portion of the collection.⁵⁸ The proceeds from the sale were ultimately used to supplement the endowment and served as income to assist with operational costs for those associated with the collection at Wheaton College, on top of its use to acquire new objects. Teaching aids were hired and

⁵⁵ Niederstadt, Leah. “Building a Legacy for the Liberal Arts: Deaccessioning the Newell Bequest, Wheaton College.” In *Is It Okay to Sell the Monet?* edited by Julia Hollett Courtney, 107-129. Lanham, MD: Rowman & Littlefield, 2018. Pp107.

⁵⁶ Niederstadt, “Building a Legacy for the Liberal Arts”, 119.

⁵⁷ As of 2018, when J. Courtney published her edited volume *Is It Okay to Sell the Monet?*

⁵⁸ See Niederstadt for documentation of the case study, along with historical and biographical context for the Newell family.

purchases were made to expand the collection of the Departments of Art and Art History and Classics, in order to better serve the students.

Wheaton College is an accredited collection⁵⁹, meaning that it is held to the codes of the American Alliance of Museums. An initial assumption would be that the use of deaccession proceeds were misused; however, university collections possess mission statements as well. Wheaton's case is considered an effective deaccession, as it "built an extraordinary teaching collection for generations of students" and the proceeds were "restricted to acquisitions and direct collections care."⁶⁰ University collections are expected to not only serve the public in a broader sense, but provide excellent resources to its staff and students as well, and their deaccession case did just that. To qualify the benefit of the deaccession, Niederstadt outlines the outcome:

The twenty-three objects that have been purchased since 1981 have been used by dozens of courses and hundreds of students, and these acquisitions, as well as objects from the original bequest, have been displayed multiple times, engaging and educating members of the public and the Wheaton community. Researching the Newell Bequest has helped train more than twenty-five students in archival and provenance research and in using objects as primary sources, while reconciling Wheaton's antiquities with the original Newell Bequest appraisal has taught students how to catalogue objects and has illuminated some of the challenges collections and museum staff encounter on a daily basis.⁶¹

Not only did the bequest result in hands-on experience for the students of Wheaton college, the deaccession of objects in that bequest resulted in greater funding and resources for the staff and students to strengthen the educational capabilities of the Art and Art History and Classics Departments at Wheaton College, and will continue to do so.

⁵⁹ Can be found on aam.org, "Find a Museum" database search query.

⁶⁰ Niederstadt, "Building a Legacy for the Liberal Arts," 108.

⁶¹ Niederstadt, 127.

Controversies and Misconceptions

As observed in the greater part of this chapter, misconceptions and controversies are no stranger to the deaccession process. Whether it be the expectation that in deaccession, museums are held to certain legal bounds, removal of collections is an unethical practice, and much more, there are several ideas that must be addressed in order to properly analyze each case of deaccession that we may come across.

One concept that never fails to appear in a deaccession debate is the elusive “public trust.” This concept of “public trust” refers to the rights of the people in a given country, state, county, or city (depending on the scope of the case) to have access to artifacts and information. Most cases for deaccession involve desire to maintain collections within the public trust, and the Public Trust Doctrine under US Law states that this can be defined as “certain interests are so intrinsically important to every citizen” that “it is necessary to be especially wary lest any particular individual or group acquire the power to control them.”⁶² In relation to this idea, museums are often condemned when deaccessioned objects are removed through sale, raising the risk of losing the rights to the object to private entities, where objects may never be publicly accessible for research, education, and exhibition. This fear drives many cases of controversy, as seen in the Brooklyn Museum, as its collection ended up in the hands of another New York museum due to the condition that it must remain in the public trust and accessible to their community.

As discussed in the section on Professional Organizations, Legality, and Ethics, we have established that the Attorneys General have no motive to insert themselves into a deaccession

⁶² Colinvaux, Catherine M., and James C. Donnelly Jr. “Higgins Armory Museum and the Worcester Art Museum.” In *Is It Okay to Sell the Monet?*, edited by Julia Hollett Courtney, 151-173. Lanham: Rowman & Littlefield, 2018. Pp 152.

case unless they feel that the museum's obligations to its community are being ignored or unethically practiced.⁶³ Therefore, if the public trust is being violated by a museum's choice to deaccession, the Attorney General may investigate, but if there is no apparent threat to the public trust or broken law, the AG must stand down. In conjunction, professional associations such as the American Alliance of Museums and American Association of Museum Directors have the rights, as checks and balances, to create rules for members and impose sanctions if broken – but, there is no actual federal or state law that says deaccession proceeds used for operational expenses is illegal, as long as it lies within the advancement of the mission.

Regardless of deaccession motives, many public reactions consist of negative points of view, even if a deaccession decision ultimately proves itself to be beneficial. There is an apparent apprehension that sometimes stems from an anxiety of letting objects into the private sector and letting it go “forever.” Despite the Bryan Collection's sale, most of the works resurfaced in a number of museums or collections later on – were they truly “lost” from the public trust, or was the concern merely an inaccurate assumption? Most deaccession items are bought or acquired by other institutions within a generation of their sale.⁶⁴

Another common misconception lies in the financials within a deaccession case. It is frowned upon in the field to assign a dollar value to objects singularly within a collection, unless for insurance purposes when preparing them for loan. Monetizing the collection is “the use of proceeds of deaccessioning for purposes other than the collection and its care or deaccessioning to raise money for operations or other institutional expenses.”⁶⁵ This becomes muddied water, in cases such as the Berkshire Museum, where a museum is disparaged for using deaccession funds

⁶³ For a greater understanding of legal practices in museums, see Malaro, 14.

⁶⁴ Gammon, *Deaccessioning and its Discontents*, 264.

⁶⁵ Gold, “Monetizing,” 127.

for purposes other than “direct care.” However, the caveat that has been added to the American Alliance of Museum’s Code of Ethics is that the proceeds may now be used to advance the mission of the museum, which the Berkshire did. By deciding to put on hold the expansion of the collection and utilizing the funds to keep operations smooth, their mission was advanced, by the AAM’s codes.

Finally, a common attitude toward deaccession is that “collections are not financial assets to be used to make up for financial shortfalls.”⁶⁶ Some believe that it would be like “amputating a leg to save a patient’s life,” as stated in the “Pennsylvania Academy of Art Deaccession Private Sale” article by the *Philadelphia Inquirer*.⁶⁷ Many see “the use of proceeds of deaccessioning for purposes other than the collection and its care or, even worse, deaccessioning to raise money for operations or other institutional expenses” as immoral, unethical, and simply wrong, when in fact, it may be the only solution to avoid potential insolvency. This notion brings us back to the Delaware Art Museum, struggling to stay afloat with an insufficient annual budget and a great deal of debt, which made the decision to use its deaccession funds to remain viable. It is cases like these that gain the most attention, as institutions of such power are easily scrutinized for every minute contestable action they may take; however, in the long run, they have done nothing illegal according to state and federal law (not necessarily in line with a professional organization’s codes), and considering that the museum itself may not exist today if it were not for the funds used for operations.

When first proposing this idea for research, I held many of these misconceptions and viewed deaccession as problematic, but as I’ve progressed with my research, I have come to the conclusion that it is controversy, misconception, and ultimately a lack of knowledge concerning

⁶⁶ Yerkovich, “Use of Funds from the Sale of Deaccessioned Objects,” 79.

⁶⁷ Gammon, 142.

the ethical guidelines by which museums abide that fuels these negative perceptions of the deaccession process. I agree with Gold's statement that "there is no stronger case for the use of the proceeds of deaccessioning than when the survival of the museum hangs in the balance."⁶⁸ One must ask, *would it be better for the museum to stay afloat without said objects? Or go bankrupt as a result of allowing funds to be inaccessible to relieve financial strains?* Personally, the answer has been made clear, but with extensive research in attempt to understand the innerworkings of deaccession and its role in museum functionality.

In order to grapple with these issues on a more local level, however, I now turn to the pre-Columbian collection once housed at the Texas Memorial Museum. I will first establish a background for the pre-Columbian objects and their complicated history. Once the basis is set, I will dive into the Texas Memorial Museum and its collection, and the deaccession process, its controversies, and its current state before finally analyzing the various approaches taken by each of the museums.

⁶⁸ Gold, "Monetizing," 95.

Chapter 3

The Pre-Columbian Collection

Pre-Columbiana and its Complicated History: The Fascination with Ancient America in the Gilded Age

It is no secret that non-Western cultures across the world are seen as “other” and, at times, treated with less respect than is more readily given to traditional Western artifacts and objects. As the “New World” was explored, authors, writers, scientists, and many others became enamored with the exotic cultures in Africa, Asia, and Central and South America. These cultures, such as the pre-Columbian indigenous peoples in Central and South America, were first presented by Western anthropologists during the rise of the field of Anthropology.

A new Western interest in pre-Columbian artifacts, art, and other objects of culture arose in the 19th century amidst the progression of national identities. It is important to note that the collection and preservation of cultural artifacts by indigenous peoples long pre-dates the arrival of the Spanish or European influence. But a new, Western interest in these objects was sparked during the Spanish conquest of the Americas, more fully developed throughout Europe during the colonial period, ultimately spread to the United States, and importantly, aligned with its own 19th century interests in expansion and claims of manifest destiny. John Lloyd Stephens was the first important explorer to go south from 1839-42, bringing back photographs and artifacts.⁶⁹ It was also during this era that the Peabody Museum at Harvard began to shape the views of the pre-Columbian world as a barbaric, savage era.⁷⁰

⁶⁹ Braun, Barbara. *Pre-Columbian Art and the Post-Columbian World: Ancient American Sources of Modern Art*. New York, NY: Harry N. Abrams, Inc., 2000. Pp 32.

⁷⁰ Braun, 34.

With the rise of the decorative arts and Avant Garde in the early 20th century, the desire to collect and exhibit pre-Columbian objects gained momentum in the United States. It was during this period that pre-Columbian aesthetics were incorporated into the Art Deco decorative arts and architecture as, for example, in Frank Lloyd Wright's Maya-style houses, which borrowed heavily from the Puuc-style facades of the Yucatan.



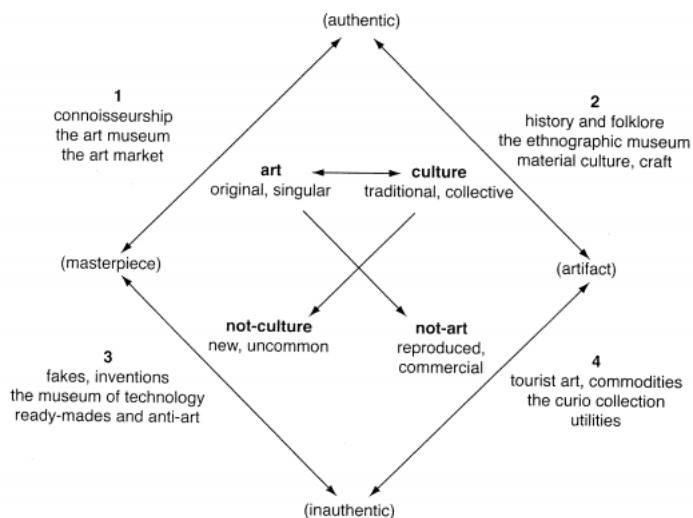
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These pre-Columbian indigenous works fit well into the Art Deco movement, with its monumental architecture and attention to detail, pattern, and exotic components. However, the scholars and curators who study pre-Columbian culture, in attempting to define its place in collections and museums have walked an unsteady line between art and artifact, art history, and natural science, as most non-Western objects were displayed initially in museums of natural history or ethnography serving as scientific examples of distant cultures.”⁷²

⁷¹ Frank Lloyd Wright, *Ennis House*, 1924. From the Frank Lloyd Wright Foundation website. URL: <https://franklloydwright.org/site/ennis-house/>

⁷² Conley, “*Is Reconciliation Possible?*”

James Clifford gives an excellent study of the intersection of art and artifact, as seen in the diagram below.



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The tension of aesthetics and science in cultural artifacts is pertinent across institutions of both art and natural history who display cultural artifacts; it is this duality in cultural artifacts that sets an uneasy precedent for natural history and art museums, raising questions for collections management and display procedure. It becomes challenging to determine the proper channel of disposal in a deaccession when both the domains of natural history and art history are involved, as the issues of identity and categorization hinder certain museum practices with cultural objects.⁷⁴

The ill-fitted categorization and stereotyping of “other” non-Western cultures is a relevant aspect of collecting within museums, and further research and discussion regarding the othering of cultures and the role of museums in displaying these cultures would be beneficial in understanding museum processes in conjunction to othered cultures. As I am aware that the

⁷³ Clifford, James. *The Predicament of Culture: Twentieth-Century Ethnography, Literature, and Art*. Cambridge, MA: Harvard University Press, 2002.

⁷⁴ Malaro, *A Legal Primer*, 142.

aforementioned perspective can strengthen the context and history for this case study on the collection at UT Austin, for the purposes of this paper, I will remain focused on the deaccession itself. Exploration of othered cultures and their place in the museum setting is a deeper seated issue in relation to deaccession, such as “the politics of cultural patrimony and political conquest.”⁷⁵ These issues have the ability to argue my case stronger through further research.



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Anthropology, Art, and the Texas Memorial Museum

As Pre-Columbiana gained visibility and popularity across the world during the time of Art Deco in the 1920s and 30s, collections were growing rapidly with artifacts from Central and South America. The Texas Memorial Museum was founded shortly after this spike in interest – it opened January 15th, 1939. On the website for the TMM, there is no reference to the Pre-

⁷⁵ Appadurai, Arjun, and Carol A. Breckenridge. “Museums Are Good to Think: Heritage on View in India.” In *Museums and Communities*, edited by Ivan Karp, Christine, Mullen Kreamer, Steven D. Lavine, 34-55. Washington, DC: Smithsonian Institution Press, 1992. Pp 37.

⁷⁶ Image of Pre-Columbian objects on display at the Boca Raton Museum of Art, from a trip to Boca Raton, FL, November 2019.

Columbian collection, or any cultural collections it once held.⁷⁷ It is my opinion that there should at least be archival material on previous collections as they were first acquired at the Texas Memorial Museum.



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The monumental beauty and cultural value of the collection is articulated well by Peruvian art historian and archaeologist, Steve Bourget, whose desire was to use the collection as a teaching tool, stating that “people are surprised by the aesthetic of pre-Columbian art, [...] it has a sense of immediacy. You look at these things, and it feels like you could have a relationship with it.”⁷⁹ When collections of great aesthetic and educational value are given to a museum or collection, they are given “for a purpose, more than to a place,” and the receiving institution has an obligation to respect the collection, even if disposal is inevitable, as we explored previously in the case of Wheaton College.⁸⁰

⁷⁷ “About Us: Texas Memorial Museum.”

⁷⁸ Ibid.

⁷⁹ Fenves, *The Collections: The University of Texas at Austin*, 162.

⁸⁰ Cuno, *Whose Culture?*, 40.

Fast Forward: University Cuts TMM Funding

The Texas Memorial Museum was established as a natural history museum, having been given the 4,000-5,000 object collection of pre-Columbian objects ranging from textiles, to ceramics, among other things including fossils. According to the University of Texas catalogue, the pre-Columbian collection “ranges from early pre-Columbian ceramics to modern twentieth-century textiles, and from small lithic bifacial points (e.g., hand axes, spear points) to life-size wooden sculptures. Given the breadth and depth of these cultural materials, the Art and Art History Collection provides an invaluable resource to university scholars, students, and researchers, as well as the general public.”⁸¹ However, the collection also holds objects that range from across Africa as well as textiles from Native North America. With little space, and less resources than other museums on campus, the fate of the pre-Columbian collection hung in the balance when Director of the time, Edward C. Theriot, decided to pivot the museum’s mission strictly to natural history and, in particular, fossils.

In 2003, the TMM announced that it would be moving its focus to natural history and that the University of Texas at Austin was to cut their funding. According to a local article in the *Austin Chronicle*, the “TMM operates on an annual budget of about \$1 million, and only \$167,000 is provided directly by a state budget line item for public programming. Permanent university funds and specific grants provide the bulk of the budget, supplemented a bit by sales from the museum shop. Indirect costs, including such things as utilities, are paid out of general UT revenues and just about double the basic budget -- so the actual cost of housing and preserving the collections comes to nearly \$2 million.”⁸²

Given the financial issues of the TMM, support for the change was unclear. It seems as

⁸¹ Fenves, 162.

⁸² “Only Natural: The Texas Memorial Museum turns back toward its future”.

though most employees, along with the public were displeased with Theriot’s decision, seeming to have been made unilaterally. In the same article, the previous cultural collections manager is quoted to have found the change “so ‘ethically troubling’ that she quit her job as manager of the museum’s cultural collections. ‘I was dumbfounded,’ said Sally Baulch, when [Theriot] announced to the staff, in August 2002.”⁸³ This situation, which involved a university museum and a complex financial structure within the University, calls to mind Gold’s statement that “when the museum is part of a parent organization, the collection is of even less prominence. The typical college or university will cast its mission in terms of education and research,” rather than collection, preservation, exhibition, or other processes central to maintaining a collection.⁸⁴



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Local media covered the change in the museum’s mission to natural history when first announced, but no information was given by the Director as to what would happen to the cultural collection (not including the Texana collection) which consisted of over 40,000 objects – 5,000 of which are the pre-Columbian collection. There was no indication that a home had been

⁸³ “Only Natural: The Texas Memorial Museum turns back toward its future”.

⁸⁴ Gold, “Monetizing,” 130.

⁸⁵ Object 178 ““Anthropomorphic head fragments,” Mexico, Huasteca, Postclassic Period, 900–1521 CE. From UT AAHC Collection, University of Texas at Austin Collections Catalog. Pp 163.

⁸⁶ Object 185 “Panel with Maya lord seated on a coiled serpent,” Campeche, Mexico, Maya, Late Classic Period, 700–800 CE. From UT AAHC Collection, University of Texas at Austin Collections Catalog. Pp 169.

discussed for any part of the cultural collection except the Texana objects. In a university collections catalog published in 2016, it states that the Pre-Columbian objects were not transferred from the cultural holdings of the Texas Memorial Museum [until] 2004.”⁸⁷ Curiously, in an edited volume published by the Smithsonian Institution in 1992, Neil Harris predicted that “museums with collections derived from overseas will soon have to justify their retention of the collections and their exhibition of them.”⁸⁸ These words anticipate the situation at the Texas Memorial Museum just ten or so years later, where the cultural collections from Africa and Central and South America were the first objects to be considered for removal.

The Fate of the “Orphaned” Pre-Columbian Collection

Most deaccessions have a planned final destination for the items, but that was not the case with the pre-Columbian collection materials from the Teas Memorial Museum. The Art & Art History Department acquired the collection in 2004, and it has been (and continues to be) displayed in the art building offices and library. It is safe to assume that “staff members or volunteers of almost every community historical society or historic house museum know nowadays that climate control for collections is important,”⁸⁹ especially within an art department at a Research-1 university. Thanks to Professor Astrid Runggaldier, Ph.D., the collection now resides in a room within the Art Building, where she conducts extensive research and care for the collections, and uses the collections in her classes, giving students hands-on experiences. There are several high-quality cases in the Art Building’s Administrative Suite where textiles are displayed, and many of the smaller objects, such as obsidian pieces and ceramic fragments, are

⁸⁷ Fenves, *The Collections*, 162.

⁸⁸ Reference to Neil Harris’ “Polling for Opinion” in Karp, *Museums and Communities*, 11.

⁸⁹ Fishman, Bernard. “Two Cheers for Deaccessioning.” In *Is It Okay to Sell the Monet?*, edited by Julia Hollett Courtney, 3-16. Lanham: Rowman & Littlefield, 2018. Pp 7.

housed in the recently acquired room and wrapped in non-acidic materials.



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Further, Dr. Runggaldier has worked with the Blanton Museum of Art, also a UT Museum, to exhibit roughly twenty of the objects at a time in a dedicated room among its other gallery spaces, as seen below from my visit in October of 2018.



According to the Society for the Preservation of Natural History Collections, the definition of deaccession is “the formal process to remove [an object] permanently from the

⁹⁰ Object 187 “Female Blouse (huipil),” Guatemala, Mam Maya, ca. 1970. From UT AAHC Collection, University of Texas at Austin Collections Catalog. Pp 171.

⁹¹ Object 188 “Female Blouse (huipil),” Chichicastenango, Guatemala, Kiche Maya, 1970. From UT AAHC Collection, University of Texas at Austin Collections Catalog. Pp 171.

collection, with appropriate transfer of title.”⁹² A frustrating facet of looted objects and attempted acquisition is that “there is no comprehensive inventory of looted cultural property,”⁹³ and without documentation, it is nearly impossible to acquire these objects for educational purposes since the UNESCO 1970 Convention. Because the pre-Columbian collection was acquired by the Texas Memorial Museum before 1970, the objects remain in the hands of the University and are able to, according to the International Council of Museums Ethics Code, open up a world of knowledge and fill the gaps in history.⁹⁴ Regardless of whether or not an object has provenance documentation and is constantly worked on by Dr. Runggaldier in order to find this documentation, an object still holds cultural significance and value, and can be made an excellent resource for teaching in various departments at the University.

Having briefly outlined the history of pre-Columbiana and the Texas Memorial Museum, I am now able to grapple with analyzing the approaches to this deaccession. In order to pose these questions, I will look at the approaches of not only the Texas Memorial Museum, but the other museums I’ve discussed in attempt to understand the patterns and outcomes of deaccessions in the United States.

⁹² Adams, 284.

⁹³ Hall, David L., and Ivana D. Greco. “Stolen Cultural Property.” In *The Legal Guide for Museum Professionals*, edited by Julia Hollett Courtney, 13-26. Lanham, MD: Rowman & Littlefield, 2015. Pp 17.

⁹⁴ Cuno, *Whose Culture?*, 69.

Chapter 4

Analyzing Approaches

What Approach is the “Right” Approach

There is no singularly right or wrong approach to deaccession; it comes down to the sheer fact that, as Patricia Ainslie states, “deaccessioning is about making difficult but realistic decisions in the interest of the museum and its community.”⁹⁵ “Museums have obligations as both educational and social institutions to participate in and contribute toward the restoration of wholeness in the communities of our country,” therefore careful consideration should be given to all objects in any repository of cultural heritage, especially those of knowingly excluded cultures.⁹⁶ It should be noted that “while curators and recently established museums may argue that they exist in a fully post-colonial era, the institutions with which they are affiliated contain within them works acquired primarily as a result of histories of conquest and domination.”⁹⁷ Therefore these collections, and collections of any kind, should be given the proper care and prioritization within their institutions. Transparency seems to be key when any matter of ethics in collections management arises, and is the most effective solution in avoiding public discourse and disrespect to collections.

Different Perspectives - Each Case is Different

In regard to the Texas Memorial Museum, our primary case study, if not kept in the

⁹⁵ Fishman, “Two Cheers,” 9.

⁹⁶ Gaither, Edmund Barry. ““Hey That’s Mine”: Thoughts on Pluralism and American Museums.” In *Museums and Communities*, edited by Ivan Karp, Christine, Mullen Kreamer, Steven D. Lavine, 56-64. Washington, DC: Smithsonian Institution Press, 1992. Pp 58.

⁹⁷ Conley, “*Is Reconciliation Possible?*”.

Blanton Museum or under better conditions in the Department of Art and Art History at the university, the proceeds from a sale of the pre-Columbian collection could have saved the TMM from financial duress after the University cut its funding. However, selling the collection was not an option (due to its loss of original documents that were lost in the museum's deaccession), therefore the Texas Memorial was left with very little to prevent near insolvency. Its current state is a win for the collection and its care, given that it could have been disposed of rather than kept in the hands of the University and its students.

According to the American Institute for Conservation of Historic and Artistic Works, the lack of a conservation professional and their role before the deaccession, or lack thereof at the Texas Memorial Museum would be a cause for concern within the TMM deaccession decision, as it would be against several other professional codes of ethics.⁹⁸ Preventative conservation is paramount in the AICHAW mission; the TMM is not a member of this organization, as it is no longer a member of most of the professional organizations they once were, due to its funding cuts by the University.⁹⁹ Solely due to the fact that the TMM is now only governed through membership by the Austin Museum Partnership, Texas Environmental Advisory Committee, and the Informal Science Education Association of Texas, it becomes difficult to determine whether or not the museum can be held to the codes of ethics and proper practice of their previous membership organizations listed in footnote 99.

Although the TMM was once part of these national museum organizations, it can be difficult to assess their practices and decisions because the TMM is part of a university/college

⁹⁸ Adams, *Code of Ethics*, 49.

⁹⁹ As stated in an email from the current TMM Director, Pamela Owen, previous memberships included: American Alliance of Museums, Association of Academic Museums and Galleries, Natural Science Collections Alliance, The Society for the Preservation of Natural History Collections, Texas Association of Museums, Austin Museum Partnership, and the Museum Store Association.

museum. The question to be answered is whether or not they can be held to these codes of ethics and conduct, when the parent organization (the University of Texas at Austin) is not a member. Some collections and museums on the UT campus are members of organizations such as the American Alliance of Museums, but not all. The standard should be held to all cultural institutions and their collections management, but it becomes problematic to analyze when not all institutions are members of these organizations. Of the hundreds of museums in Texas, very few of the University of Texas collections are accredited through the American Alliance of Museums – Textiles and Apparel and the Blanton Museum of Art are on this list, but the Texas Memorial Museum is no longer.¹⁰⁰

The State of the Pre-Columbian Collection

The pre-Columbian collection became controversial when the deaccession was announced by Edward C. Theriot, and remains to this day hazy, as its implementation lacked transparency to the public and did not outline an end destination for the collection from the beginning, following the decision to change the mission of the museum.

It is in the museum's best interest to make the decision of deaccession with consultation from museum staff or an outside professional museum source in order to verify that the solution is best, and not unilaterally by one individual.¹⁰¹ Many are under the impression that Theriot made this decision to pivot the mission unilaterally, especially after the speculations made by previous museum staff in their interviews with local publications. Despite the fact that it is the Director's responsibility within a university/college to make collections management decisions,

¹⁰⁰ "Museums Committed to Excellence." American Alliance of Museums. American Alliance of Museums, 2019. See full URL under References.

¹⁰¹ Miller, *Deaccessioning Today*, 45.

Theriot's criticism lies in the lack of transparency in public conversations about the change in mission and the deaccession process itself.¹⁰²

Circling back to the Latin translation of deaccession, "cede from to," the literal translation of the word means that an object is to cede from one entity *to* another. The TMM was obligated to find the next home, but if they didn't do it, who would take over the search? There is no overarching department at the University of Texas at Austin whose explicit responsibility is to handle university collections, except the museums and collections themselves. Sally Baulch said "that when Theriot made the decision to eliminate the cultural holdings, he said that 'Texana materials would go to the university's Center for American History. The other stuff was not mentioned' [which was] another troubling aspect of the decision."¹⁰³ If a collection is "thereby determined to be legitimately external to the body culture so defined, only then may it be alienated, but not simply abandoned or lopped off; there is a clear notion here of obligation on behalf of the host institution to the deaccessioned entity to help it achieve the dignity of a new relevant context and home appropriate to the object's now distinct nature and constitution."¹⁰⁴

Through the efforts of the Department of Art and Art History's faculty, the pre-Columbian collection did find its home in the Department of AAH. Although the department did not possess the storage facility or funds to adequately maintain the collection, Dr. Runggaldier's efforts secured a small space to house the majority of the collection. Despite the positive end result, overall, evidence suggests that the deaccession of the pre-Columbian collection was not a carefully thought out process, but instead one that was made possible through the efforts of the Department of Art and Art History, specifically Dr. Steve Bourget.

¹⁰² Adams, *Codes of Ethics*, 121.

¹⁰³ "Only Natural: The Texas Memorial Museum turns back toward its future."

¹⁰⁴ Gammon, *Deaccessioning and its Discontents*, 208.

Conclusion

The Future of Deaccession

Deaccession was once an “occasional collection management option” but has become a potentially devastating public relations acrimony” for many museums across the United States.¹⁰⁵ This shift in view has surfaced due to various reasons, but can be attributed to the increase in public interest in museum operations, which has been made public by the media, as seen in the Hoving Affair at the Metropolitan Museum of Art.¹⁰⁶ Deaccessions should be done in the “best interest of the institution, public and public trust, and scholarly communities,” in order to avoid discourse within and outside the institution, as many deaccessions have done.¹⁰⁷ These removals of collections occur daily, but like current events news, only the most controversial and misrepresented cases are covered in the media.

Systematically, deaccession serves as a collections management policy that furthers the mission of the institution, if performed properly and with full transparency to staff and the community. Controversy often comes from “someone outside a museum [taking] issue with a specific collection removal decision, or the practice so contradicting the general understanding of what a particular museum is for that a group of individuals gets agitated and expresses loud disagreements,” establishing that most individuals outside the museum profession are unaware of the process itself, and the benefits it can give an institution.¹⁰⁸

Ignoring the community is the pitfall of deaccession. Transparency is key, even if deaccession is necessary. A deaccession can be done in confidence, but at some point, its

¹⁰⁵ Miller, *Deaccessioning Today*, 7.

¹⁰⁶ Malaro, *A Legal Primer*, 138.

¹⁰⁷ Adams, *Code of Ethics*, 129.

¹⁰⁸ Miller, 73.

outcome should be made known publicly, as public disclosure is often the best solution.¹⁰⁹ The idea of disclosure is solidified in a statement by former Texas Memorial Museum employee Sally Baulch, as she stated in an article, dumbfounded, that “she questioned the ethics of the decision, because neither the museum's staff nor the community were involved in it,” which I believe is where most institutions go wrong in their deaccessions.¹¹⁰ Without transparency, the risk for controversy and injunction is high.

Due to the misconceptions and wrongful assumptions we have explored in the last four chapters, deaccession holds a negative connotation, primarily to the public. Deaccession can be “a means toward true growth,” given that an adaptive museum mission and subsequent collections management policy is necessary in cultivating an effective atmosphere within museums.¹¹¹ The “development and preservation of the collection are cardinal responsibilities of the museum” because museums are cultural and historical repositories for outstanding collections and pieces of the past, and should take the necessary measures to appropriately handle this globally vast cache of objects.¹¹²

There is no perfect solution to the implications faced by museums in their deaccession decisions. The best practices based on this research are as follows: a strong, articulate deaccession policy, collaboration within the museum among its board and staff, and transparency to the museum’s community. The smaller case studies in Chapter 2, followed by the analysis of the pre-Columbian collection at the University of Texas exemplifies that education and public disclosure lead to effective, non-problematic outcomes when deaccession is in question.

This research was based primarily on deaccession in American museums, but I believe

¹⁰⁹ Miller, *Deaccessioning Today*, 47.

¹¹⁰ “Only Natural: The Texas Memorial Museum turns back toward its future”.

¹¹¹ Malaro, *A Legal Primer*, 138.

¹¹² Adams, *Codes of Ethics*, 109.

that these issues can be further problematized and expanded by research on deaccession overseas. Initially, I was critical of deaccession, but after educating myself and finding the resources to better understand the process, I am now aware of the benefits of deaccession within the museum setting. My conclusion is that deaccession is only of controversy when lacking transparency, education is key in understanding that each case is different, and there is no ultimate best practice in any deaccession case.

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